

## REMARKS

Applicants hereby affirm (with traverse) the provisional election discussed at pages 2-4 of the Action, in particular, item 8 on page 4 of the Action. It is respectfully submitted that, upon allowance of the elected compound claims, there will be no issue regarding the patentability of the non-elected claims, which are directed to the preparation of the elected compounds, pharmaceutical compositions containing them and their use in medical treatments.

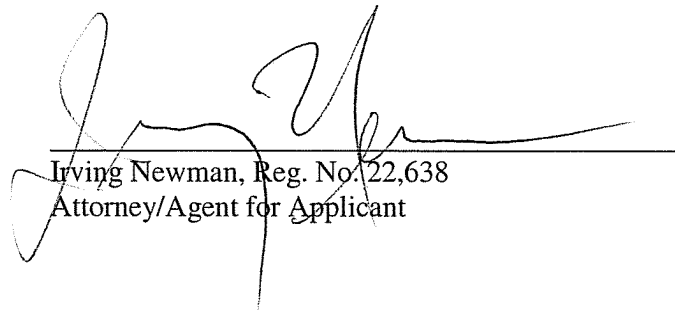
In accordance with the Examiner's suggestion in item 11 on page 5 of the Action, claims 5 and 6 have been amended to independent form, whereby claims 5-8 are no longer dependent upon a rejected claim, thereby satisfying the Examiner's criteria for allowing claims 5-8. In addition, claim 1 has been amended by adding an additional disclaimer to more clearly distinguish the claims from the disclosures of the cited Simons et al. references. No 'new matter' has been added.

The rejections of claims 1-4 under 35 U.S.C. 102(b) set forth in item 10 (a) and (b) on page 5 of the Action are respectfully traversed. Thus, the disclosures of all the cited Simons et al. references are avoided by the already existing proviso at the end of claim 1:" provided, however, that when R1 to R5 and R8 are H, and R6, R7 and the carbons to which they are attached form a benzo-fused ring, n is not 1, and when R1 and R3-R8 are H and R2 is CH<sub>3</sub>, n is not 1" and corresponding language in claims 2-4. In order to address the issue raised in item 10 (a) on page 5 of the Action, and particularly the last sentence thereof, and to further distinguish the claimed subject matter from the Simons et al. disclosures, as mentioned above, claim 1 has been amended at the end thereof to add the further proviso: 'and when R1 to R8 are each H, n is 2'.

## CONCLUSION

Accordingly, reconsideration and withdrawal of all rejections set forth in the Action are earnestly solicited. Applicants respectfully submit that the claims, 1-8, as hereby amended, are now in condition for allowance, and respectfully request a notice to this effect. Moreover, in light of the foregoing discussions, it is further requested that non-elected claims 9-13 be reconsidered and allowed.

The Commissioner is hereby authorized to charge any fees that are due to this paper to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.



Irving Newman, Reg. No. 22,638  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-2785  
Telefax (908) 231-2626

Aventis Docket No. DEAV2002/0068 US NP1